

THE DRAIN CODE OF 1956 (EXCERPT)
Act 40 of 1956

280.221 Construction of drain; receipt of bids; sealed proposals; contracts; bonds; abandonment of petition; order; notice; board of county road commissioners authorized to bid.

Sec. 221. (1) At the time and place established in the notice, the commissioner shall receive bids for the construction of the drain. The commissioner may, and shall for all drains having an estimated cost exceeding \$5,000.00, advertise for sealed proposals, to be opened on the day of letting. All sealed proposals received by the commissioner shall be publicly opened by him or her in the meeting and may be examined at the meeting by any person interested. As soon as practical after the opening of bids for the construction of any drain, the commissioner shall determine the lowest responsible bidder and award contracts, or may reject all proposals and readvertise, and in cases where the commissioner determined that the taxes assessed for benefits shall be collected in more than 1 installment, the commissioner shall, subject to section 275, determine the amount, form, maturity, mandatory redemption requirements, if any, and rate of interest of bonds to be issued. In counties having a board of county auditors, drain bonds shall not be sold and drain contracts shall not be let without the written consent and approval of the board of county auditors. However, the approval of the board of county auditors is not required in proceedings relative to intercounty drains.

(2) If a contract is not let within 5 years after the date of filing the petition to locate, establish and construct, or deepen, widen, straighten, tile, extend or clean out a drain, the drain commissioner may determine that the petition shall be considered abandoned and no further action shall be taken to construct the drain. Time during which any litigation is pending to contest the validity of the proceedings shall not be counted as a part of such 5-year period. If the drain commissioner determines the petition shall be considered abandoned, the commissioner shall issue an order to that effect. However, a determination of abandonment shall not be issued within the 5-year period. Notice of the order shall be given by publishing a notice in a newspaper of general circulation in the county. This section applies to all petitions that are in full force and effect on or after January 1, 1973.

(3) The board of county road commissioners, if authorized by a committee of commissioners appointed by the county board of commissioners, may bid for the construction, cleaning, deepening and widening of drains within the county, and, if a bid is accepted, may perform the work called for in the bid, and receive payment for the work performed. A bid tendered by a board of county road commissioners shall not be accepted unless the bid is at least 15% lower than any other bid tendered. The money received by the county road commission shall be credited to the county road fund, and expenditures incurred by the county road commission shall be proper disbursements from the county road fund.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1960, Act 4, Imd. Eff. Mar. 8, 1960;—Am. 1973, Act 16, Imd. Eff. Apr. 30, 1973;—Am. 2016, Act 27, Imd. Eff. Mar. 1, 2016.

Popular name: Act 40